UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,301	01/19/2001	Shinichiro Nishizawa	1086.1132/JDH	6749

21171 7590 05/30/2006

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
NGUYEN BA, PAUL H	
ART UNIT	**PAPER NUMBER**
2176	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/764,301	NISHIZAWA, SHINICHIRO	
	Examiner	Art Unit	
	Paul Nguyen-Ba	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-12 and 14-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-12 and 14-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This action is responsive to Applicant's Amendments and Remarks filed on March 10, 2006.

2. Claims 1, 3-12, and 14-27 are currently pending. Claims 1, 12, and 23-27 are independent claims.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 3-10, 12, 14-21, and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levinson, U.S. Patent No. 6,047,260, in view of Frid-Nielsen et al. ("Frid"), U.S. Patent No. 5,519,606.

Regarding independent claim 1, Levinson discloses a schedule managing apparatus for managing schedules (see Abstract), comprising:

- *a schedule classifying unit which classifies an inputted schedule into any type of a term type schedule* (see col. 10, lines 12-39: Levinson teaches an intelligent planning and calendaring system with floating tasks) *in which designated date/time is set to a term of an operation* (see col. 10, lines 12-39: Levinson teaches an earliest start time and a latest stop time) *or a period type schedule* (see col. 16, lines 1-43: Levinson teaches a fixed task type schedule) *in which a designated certain period is assured for the operation* (see col. 6, lines 35-50: Levinson teaches a planned start/stop time) *on the basis of information of said inputted schedule* (col. 6, lines 35-50; col. 10, lines 12-39; col. 16, lines 1-43); and

- *a schedule adjusting unit which adjusts the schedules under different conditions in accordance with a combination of the schedule types of the term type and the term type, the period type and the period type, or the period type and the term type* (see Abstract, col. 3 lines 64 *et seq.*; col. 10 lines 12-20 and col. 16 lines 1-43: Levinson teaches adjusting schedules with floating and fixed task type schedules or tasks), *in a case where said inputted schedule overlaps with an existing schedule with respect to the time* (col. 4, lines 34-37; cols. 17-19).

Levinson does not explicitly disclose *maintaining overlapped term type schedules.* However, Frid discloses that events may overlap one another, whereby the duration lines are drawn in an overlapping fashion. A user then has the option of reconciling this conflict or maintaining the overlapped schedule (see col. 4 lines 56-58, col. 5 lines 52-64, and Fig. 3E).

Since both references from the same field of endeavor, the motivational purpose of more providing more efficient means for reconciling ordinal information, especially time-based information as disclosed by Frid would have been recognized in the pertinent art of Levinson. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Levinson with the teachings of Frid to include maintaining overlapped schedules.

Independent claims 12, 23, and 27 contain substantially similar subject matter and are rejected along the same rationale as independent claim 1.

Regarding claims 3 and 14, Levinson further discloses a schedule managing apparatus and method, wherein the inputted schedule is classified into any type of said term type schedule or said period type schedule on the basis of items regarding date/time, place, and contents included in the inputted new schedule (see col. 14, line 51 to col. 15, line 23; see also Figures 11-14 → i.e. date, time, duration, where, etc).

Regarding claims 4 and 15, Levinson discloses a schedule managing *apparatus and method*, wherein the inputted schedule is classified into any type of said term type schedule or said period type schedule on the basis of schedule information including an item regarding date/time, an item regarding a place, an item regarding persons concerned, an item regarding the contents, an item regarding priority, and an item including a schedule adjustment regarding a system which are inputted to a ToDo list (see col. 3, lines 64 *et seq.*; col. 9, lines 47-66; col. 14, line 51 through col. 15, line 23; see also Figures 11-14, 19-25 → i.e. names, goals (priorities), addresses, phone numbers, directions, schedule adjustment, etc.).

Regarding claims 5 and 16, Levinson discloses a schedule managing *apparatus and method*, wherein in the case where the inputted new schedule and the existing schedule are the *term type schedules* (i.e. floating tasks) and terms of both of said schedules *overlap*, the new schedule is assembled *as it is without adjusting both of said schedules* (see cols. 17-19: Levinson teaches that when floating tasks overlap, their original start times and stop times are left as is; the order of the tasks within the

start and stop times might be adjusted if there exists a priority weight difference between tasks).

Regarding claims 6 and 17, Levinson discloses a schedule managing *apparatus and method*, wherein in the case where the inputted new schedule and the existing schedule are the *period type schedules* (i.e. fixed tasks) and periods of both of said schedules *overlap*, the schedules is adjusted so as to leave the schedule of *high priority* (see col. 10, lines 4-8, 34-37; cols. 17-19: Levinson teaches that with fixed tasks, the task with higher priority preempts the fixed task with lower priority).

Regarding claims 7 and 18, Levinson discloses a schedule managing *apparatus and method*, wherein in the case where *priority* of the inputted new schedule and that of the existing schedule are the *same*, the schedule selected in accordance with a *preset condition is left* (col. 9, lines 2-7, 33-46; col. 13, lines 50-52 *et seq.*: Levinson teaches a system or planner can preset scheduling conditions).

Regarding claims 8 and 19, Levinson discloses a schedule managing *apparatus and method*, wherein as a condition in the case where the priority is the same, a *user's selection, a selection of the existing schedule, or a selection of the new schedule is set* (col. 10, lines 2-4; col. 12, lines 4-6; col. 19, lines 24-31; see also Table 7: Levinson teaches that schedule conflicts can be resolved based upon user's selection).

Regarding claims 9 and 20, Levinson discloses a schedule managing *apparatus and method*, wherein in the case where one of the inputted new schedule and the existing schedule is a period type schedule and the other is the term type schedule, *if priority of the term type schedule is high, the schedules are adjusted so as to move the term type schedule to a period start position of the period type schedule* (see col. 10, lines 4-8, 34-37; cols. 17-19: Levinson teaches that the tasks with higher priority preempts or delays the tasks with lower priority).

Regarding claims 10 and 21, Levinson discloses a schedule managing *apparatus and method*, wherein when the *priority* of the term type schedule is *low*, the schedules are adjusted so as to move the term type schedule to a period *end position* of the period type schedule (see col. 9, lines 53-62; cols. 17-19 → Levinson teaches that low priority tasks are either delayed to the end of the schedule or cancelled altogether if no time remains in the schedule).

Claims 24-26 incorporate substantially similar subject matter as claim 1 and are rejected along the same rationale.

6. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levinson, U.S. Patent No. 6,047,260, in view of Frid-Nielsen et al. ("Frid"),

U.S. Patent No. 5,519,606, in further view of Tracy Marks ("Marks"), Windows 95 ® Manual (www.windweaver.com/w95man.htm), last updated on May 18, 1997.

Regarding claims 11 and 22, Levinson, in view of Frid, disclose a schedule managing *apparatus and method* as explained with respect to claims 1, 2, 9, 12, 13, and 20 above, but does not specifically disclose storing the schedule deleted by the adjustment of said schedules and a position before the adjustment of the schedule moved due to the adjustment of the schedules, and when the existing schedule is deleted, referring to a stored history and performing a recovery of the schedule deleted due to the schedule adjustment or a return of the schedule to an initial position moved due to the schedule adjustment.

However, Marks discloses a Recycling Bin wherein when you choose to delete files Windows sends the files to a "recycling bin" rather than permanently deleting files so that you can later restore the files to their original locations for the purpose of avoiding accidental deletion of important files (see LESSON THREE: Managing Files → A. Recycling Bin).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Levinson, in view of Frid, with the teachings of Marks to include a storage for deleted schedules that can later be recovered to its original position for the purpose of avoiding accidental deletion of important scheduled events.

Response to Arguments

7. Applicant's arguments filed on March 10, 2006 have been fully considered but they are not persuasive.

Examiner agrees with Applicant's contention the Frid reference is directed to a displaying a schedule overlap in an overlapping form where a may select whether to adjust the overlap or leave the same overlapped (see Applicant Remarks: pg.1 - 5th paragraph). For this reason, Examiner maintains that the motivational purpose providing a more efficient means for reconciling ordinal information, especially time-based information as disclosed by Frid would have been recognized in the pertinent art of Levinson and that it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Levinson with the teachings of Frid to include maintaining overlapped schedules.

Applicant next contends that the Marks reference does not actually remove files therein until the user opens the folder, selects the files and deletes the files and therefore does not teach the broad limitation of "recovery of the schedule deleted due to schedule adjustment".

Examiner respectfully disagrees. Marks discloses a Recycling Bin wherein a deleted files are sent to a "recycling bin" rather than permanently deleting files so that you can later restore the files to their original locations for the purpose of avoiding accidental deletion of important files (see LESSON THREE: Managing files → A. Recycling Bin). A file need not be opened to be deleted. A mere rearrangement of a file may suffice in storing the history of the file in a Recycling Bin. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Levinson with the teachings of Marks to include a storage for deleted schedules that can later be recovered to its original position for the motivational purpose of avoiding accidental deletion of important scheduled events.

Finally, Applicant contends that the cited references, alone or in combination, do not teach or suggest adjusting overlapped schedules based upon combination types of the schedules where the overlapped schedules are adjusted "under different conditions" and according to said classifying of the overlapped schedules.

Examiner respectfully disagrees. Levinson teaches adjusting schedules according to floating task or fixed task type schedules (see Abstract, col. 3 lines 64 *et seq.*; col. 10 lines 12-20 and col. 16 lines 1-43: *compare with* "under different conditions") in a case where said inputted schedule overlaps with an existing schedule with respect to the time (col. 4, lines 34-37; cols. 17-19). Therefore, the cited references teach the independent claims limitation language as currently presented.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094. The examiner can normally be reached on 11 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PNB
5/22/06

HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100